

A RESOLUTION

2004-23-16

FINDING THAT SMART CITY NETWORKS, L.L.C., (FORMERLY U.S. TELCOM), HAS PERFORMED SATISFACTORILY AT THE END OF THE FIFTH YEAR OF A TEN (10) YEAR AGREEMENT TO PROVIDE TELECOMMUNICATIONS SERVICES FOR THE HENRY B. GONZALEZ CONVENTION CENTER.

* * * * *

WHEREAS, the City and Smart City Networks, L.L.C. (Smart City), formerly US Telcom of San Antonio, L.L.C., entered into an Agreement, dated March 3, 1999, for telecommunication services (Agreement) for the Henry B. Gonzalez Convention Center; and

WHEREAS, the Agreement requires City staff to conduct a comprehensive review of Smart City's performance and present that review to City Council for a determination on satisfactory performance at the end of the fifth year of the Agreement; and

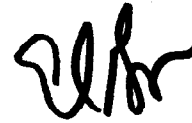
WHEREAS, at a regularly scheduled City Council meeting on June 9, 2004, City staff presented to City Council its review of Smart City's performance based upon the following: demonstrated ability to satisfy customer's telecommunications needs covered in the Agreement; customer surveys that show a 94% customer approval rating; and demonstrated overall responsiveness to requests for service by the Director of the Convention Center Facilities Department:

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. That it determines that Smart City's performance under the Agreement has been satisfactory. This determination satisfies the requirements of Section 2.25 of the Agreement and is only intended for the purpose of continuing the ten (10) year term of that Agreement. This determination is not intended to constitute a waiver of any breach of contract or tort rights, claims or causes of action, that the City may have against Smart City for its actions or failures to act in the past or in the future, and, therefore, the City expressly reserves any rights, claims or causes of action it may have against Smart City.

SECTION 2. This Ordinance shall become effective on the tenth (10th) day after the date of passage hereof.

PASSED AND APPROVED this 10th day of June, 2004.



MAYOR

ATTEST: 
City Clerk

APPROVED: 
 City Attorney